

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of WILLIAM DIXON, Minor.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED  
April 18, 2006

Petitioner-Appellee,

v

ELIZABETH DIXON,

Respondent-Appellant.

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No. 265382  
Delta Circuit Court  
Family Division  
LC No. 04-000093-NA

Before: Murphy, P.J., and O'Connell and Murray, JJ.

MEMORANDUM.

Respondent appeals as of right from the order of the trial court terminating her parental rights to her minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Contrary to respondent's arguments on appeal, ample evidence existed on the record to support the trial court's decision. Before the child came into the court's jurisdiction, the police were frequently called to respondent's apartment because of all night parties where minors sometimes consumed alcohol and guests were highly intoxicated. Although respondent was not always present at the parties, the one-year-old child was present, having been left by respondent with caretakers who were party participants, some of whom had criminal records.

At the time of the adjudication hearing, respondent had been evicted from her apartment, and she also had been asked to leave her temporary shelter at the Salvation Army because of the continual rowdiness and partying in her room. Respondent moved to a new apartment, but continued to allow parties there and continued to leave the child with revelers. The child was removed from respondent's care and found to be suffering from malnutrition. After the court removed the child, respondent lost her job, and she relied on her parents to pay the rent. A caseworker found the apartment unkempt and dirty, with dirty clothing and garbage strewn about. Respondent was later evicted from the apartment.

By the time of termination, respondent had only just resolved her homeless status, had done so with borrowed funds, and had only just found employment. Previously, respondent had been unemployed during much of the time that the case was pending before the trial court, and

she was living in her car behind a bar during some of that time. Respondent refused petitioner's efforts to help her obtain financial support, child care, or food stamps. In fact, respondent had made little progress on much of the case service plan, largely because of her refusal to cooperate with petitioner, and there was no indication that respondent would be willing or able to rectify these problems within a reasonable time given the age of the child. The trial court accurately noted that respondent had failed to provide the child with proper care and custody and that her past behavior was indicative of potential future harm to the child if again placed in her care. The trial court, therefore, did not err in finding that the statutory grounds for termination had been established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1997).

For the same reasons, the trial court did not commit clear error in determining that termination of respondent's parental rights was not clearly contrary to the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ William B. Murphy  
/s/ Peter D. O'Connell  
/s/ Christopher M. Murray